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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,731	05/02/2006	Paul Vincent	Q94533	3192

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EXAMINER	
CHAU, PETER P	

ART UNIT	PAPER NUMBER
4144	

MAIL DATE	DELIVERY MODE
08/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/577,731	VINCENT ET AL.	
	Examiner	Art Unit	
	PETER CHAU	4144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☒ Claim(s) *2* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 May 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/2/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-5 have been examined and are pending.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449 submitted on 5/2/2006 is attached to the Office Action.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/FR04/02662, filed on 10/18/2004.

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

5. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. It is known that MMS or Multimedia Messaging Service is a standard that has been known at the time of the invention See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities: a comma is required after "receiving the content..." in the "SUMMARY OF THE INVENTION" page 3 line 26. Appropriate correction is required.

7. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "...downloading of the content by the first server...." Page 3, line 26-27 in the SUMMARY OF THE INVENTION. The examiner will assume that downloading will be done by the mobile terminals.

Claim Objections

8. Claim 2 is objected to because of the following informalities: a comma is required after "receiving said content". Appropriate correction is required.

9. Claim 2 is objected to because of the following informalities: ..."downloading of said content by first server..." The examiner will interpret it as reading "...downloading of said content by said mobile terminal from said first..." Appropriate correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claim 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 03/045064 to Lipsanen et al. (hereinafter "Lipsanen").

12. As per claim 4, Lipsanen teaches a method of reception of multimedia content by a mobile terminal adapted to communicate via a radiocommunication network with a point-to-point content transmission server, said method including the following steps (Lipsanen disclose "The terminal 100 used in the invention is a mobile terminal with the capability to receive digital broadcasts and access standard mobile telecommunications networks (i.e. communicate via a radiocommunications network) with voice and data services (i.e. multimedia content) using UMTS/GPRS and WAP (i.e. point to point transmission), for example" page 11, line 22-24):

a first step of receiving an identifier specific to one or more contents over a dedicated point-to-point transmission channel (Lipsanen disclose "The Telecom server 120 forwards service parameters (i.e. identifier) to terminal 100 (i.e. mobile terminal) via the UMTS/GPRS Network 110 (i.e. point to point transmission). From the received bit stream the terminal is able to determine the type of service (i.e. the terminal received the identifier)." Page 8 line 12-14),

and a second step of receiving a message including said content or contents and said identifier over a broadcast channel. ("The received parameters (i.e. identifier) enable a broadcast receiver in the mobile terminal to receive the broadcast service (i.e. message) transmitted by the broadcast network (i.e. transmitted over a broadcast channel)," abstract)

13. As per claim 5, Lipsanen teaches a reception method according to claim 4, wherein said terminal also receives a decryption key during said first step, and said terminal utilizes said decryption key to decrypt said content during said second step (Lipsanen teaches a mobile terminal requesting a service and if the service resides on the broadcast server, the broadcast server forwards the service parameters to the telecom server and then the telecom server forwards the service parameters (i.e. identifier that can include decryption key, etc.) to the terminal using point-to-point transmission (i.e. terminal receives decryption key), page 8, lines 5-14; "The terminal sets the internal broadcast receiver (step 340) to receive the broadcast by tuning to the correct frequency and other tasks such as setting the right PID to demux..." (i.e. initializing the use of the decryption key) page 10, line 1-10. Lipsanen also discloses the receiver getting ready to receive data from the broadcast including the content and identifiers. The identifiers can include a decryption key and that by preparing to receive broadcasted data, the terminal gets ready to utilize the decryption key it obtains through the service parameters to decrypt the broadcasted data.).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 03/045064 to Lipsanen in view of EP 0964581 A1 to Koskelainen et al. (hereinafter "Koskelainen").

18. As per claim 1, Lipsanen teaches a method for a transmission system to transmit multimedia contents to a plurality of mobile terminals via a radiocommunication network, said transmission system comprising a first server adapted to provide a point-to-point content transmission service, which method includes the following steps ("If the content (i.e. multimedia content) is hosted on Telecom Server (i.e. first server) 120, it is retrieved and sent to the terminal (i.e. mobile terminal) through the UMTS/GPRS network (i.e. point to point transmission) page 9 line 27-29; Lipsanen discloses that "The received parameters enable a broadcast receiver in the mobile terminal to receive the broadcast service (i.e. message) transmitted by the broadcast network" (i.e. the second server broadcasting over a channel, abstract)).

a first step of said first server transmitting an identifier specific to a content over a dedicated point-to-point transmission channel to all terminals registered with said first server as interested in said content (Lipsanen teaches a mobile terminal requesting a service (i.e. interested in the content) and if the service resides on the broadcast server, the broadcast server forwards the service parameters (i.e. identifier specific to the content) to the telecom server (i.e. first server) and then the telecom server forwards the service parameters to the terminal (i.e. mobile terminal) using point-to-point transmission, page 8, lines 5-14, page 9, lines 33 through page 10, line 9).

Lipsanen does disclose a second server (the second server able to broadcast, page 4, line 3-5). However, Lipsanen does not disclose a second step of said first server transmitting to a second server adapted to provide a broadcast content

transmission service a request to broadcast a message including said content in its entirety and its identifier.

However, in an analogous art, Koskelainen teaches an information producer (i.e. the first server) or transmitter transmitting to an operator of the DVB network (i.e. the second server) for transmission of content to the DVB network (i.e. transmitting to request broadcasting through the broadcast network) (Koskelainen, Abstract).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the teachings of Koskelainen with Lipsanen's transmission system because broadcasting offers more efficient utilization of the data transfer available, when the data transfer capacity that would otherwise remain unused can be taken into use (Koskelainen, [0011].)

and a third step of said second server broadcasting said message over a broadcast channel. (Lipsanen discloses that "The received parameters enable a broadcast receiver in the mobile terminal to receive the broadcast service (i.e. message) transmitted by the broadcast network" (i.e. the second server broadcasting over a channel), abstract).

19. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipsanen and Koskelainen as applied to claim 1 above and further in view of below.

As per claim 2, the combination of Lipsanen and Koskelainen teaches a transmission method according to claim 1. The combination of Lipsanen and Koskelainen does not teach wherein, in said first step, said identifier is accompanied by a value corresponding to a waiting time prior to reception of said content by said

terminals and if said waiting time passes without said terminals receiving said content downloading of said content by said first server via said dedicated point-to-point transmission channel is requested. While Lipsanen teaches push services can be implemented in the UMTS/GPRS network (i.e. point to point transmission) to send a message (i.e. service parameters that can include waiting time) which is displayed to notify the user that a desired TV program will be broadcasting in e.g. 5 minutes and to confirm whether the user wishes to view it via a dialog box, page 13 line 4-7, Lipsanen does not teach content delivery to the terminal by point-to-point transmission when the waiting timer expires.

However, it would have been known to one ordinary skill in the art at the time of the invention that regularly accessing broadcast Service Information that accompany DVB signals has high power consumption rates which makes DVB-T terminals unsuitable for sustained use (Lipsanen, page 3 line 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to deactivate the broadcast receiver and request to download content through point-to-point transmission from the server which is more power efficient.

As per claim 3, the combination of Lipsanen and Koskelainen teaches a transmission method according to claim 1. The combination of Lipsanen and Koskelainen does not teach wherein, said broadcast request conforms to the MMS standard and includes an identifier and said content.

However, transmitting multimedia content over a wireless network, conforming to the MMS (Multimedia Messaging Service) standard would have been obvious to one of ordinary skill in the art at the time of the invention to be more accessible to a wide range of users since this standard was well known and recognized in the art at the time of the invention.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,793,973 Birdwell et al.

US Patent 6,763,035 Koskelainen et al.

US Patent 7,017,188 B1 Schmeidler et at.

USPGPub US 2003/0065747 A1 Sakamoto et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER CHAU whose telephone number is (571)270-7152. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 571-242-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

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8/11/2007